



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

KNOLL, INC.,

Plaintiff,

-against-

MODERN, INC., and URBAN MOOD, INC. d/b/a
REGENCY SHOP, and MIKE SAXENA,

Defendants.

**ORDER REVISING TRIAL
SCHEDULE**

11 Civ. 488 (AKH)
13 Civ. 3017 (AKH)

MODERNO, INC.,

Plaintiff,

-against-

KNOLL, INC.,

Defendant.

x

ALVIN K. HELLERSTEIN, U.S.D.J.

On March 28, 2014, counsel appeared before me for a status conference. For the reasons stated on the record the case will proceed as follows:

1. Jason Snyderman and Joel Dion of Blank, Rome, LLP and Marcella Ballard of Venable, LLP have filed appearances to act as counsel for Knoll. George Gottlieb, Marc Misthal, and Gottlieb, Rackman, Reisman, PC, although continuing as counsel for Knoll, will not argue motions or appear at counsel table during the trial. The motion to disqualify by Moderno, Inc., and to enjoin Gottlieb, Rackman, Reisman, PC, now being moot, is denied.

2. On April 11, 2014 both parties must submit briefing that identifies their

requested experts and provides legal support and argument for the necessity of said experts. By April 18, 2014, both sides must reply to their opposing counsel's brief. I will hear oral argument on the issue of experts on April 24 at 2:30 p.m.

3. Pursuant to this same briefing schedule, parties shall submit briefs on the issue of whether or not Moderno's counterclaim alleging that Knoll's trademark should be invalidated due to fraud should be tried to a jury or to the bench.

4. The trial date has been adjourned to July 7, 2014. The final pretrial conference will be held on June 30, 2014 at 10:30 a.m. Parties shall submit a joint pretrial order, all pretrial briefs, proposed voir dire and jury instructions, pursuant to my individual rules, in my chambers by noon on Friday, May 23, 2014.

5. Moderno's motion to stay trial pending the resolution of its appeal to the Second Circuit concerning my denial of its preliminary injunction is denied for the reasons stated on the record. The filing of the notice of appeal divested me of jurisdiction only with respect to the preliminary injunction and not with respect to the entire case or pending trial. Moderno's appeal can only be of that which is appealable — that is exclusively the preliminary injunction and nothing further. The remaining aspects and issues in the request for a stay are interlocutory and further consideration of those issues will only be entertained after a proper interlocutory appeal.

The Clerk shall mark the motions (Doc. Nos. 136 & 138) terminated.

SO ORDERED.

Dated: March 31, 2014
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge